

ORDINANCE No. 2007-28-134

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, PROVIDING FOR PROCEDURES FOR CLASSIFYING PROPERTY AS SURPLUS AND FOR DISPOSING OF SURPLUS PROPERTY; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, often times, there is City-owned property that becomes obsolete, or the continued use of which becomes uneconomical or inefficient, and

WHEREAS, when property is deemed surplus property, the City Council would like to provide for a mechanism for the City Manager to be able to dispose of said property either by sale or donation as the Manager deems fit,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. DETERMINATION OF SURPLUS: From time to time, the City Manager shall have the discretion to classify certain property of the City to be surplus. Surplus property shall be defined as that property that is no longer needed by the City, that has become obsolete, or the continued use of which is uneconomical and inefficient. Real property shall be excluded from the definition surplus property.

SECTION 3. DISPOSAL OF SURPLUS PROPERTY VALUED AT \$5,000.00 OR BELOW: The City Manager shall have the authority to determine the best method for disposing of any and all surplus property whose value is \$5,000.00 or below. The City

Manager shall have the right to arrange the disposition of these items in a manner that is suitable and appropriate. At least once per quarter, the City Manager shall provide the City Council with a written report of all items declared surplus listing the value and condition of all surplus and the manner in which they were disposed. The City Manager shall be required to dispose of all surplus property in accordance with Section 275.05, Florida Statutes.

SECTION 4. DISPOSAL OF SURPLUS PROPERTY VALUED OVER \$5,000.00.

The City Council shall determine whether property with a value of over \$5,000.00 is surplus property and direct the City Manager to dispose of said surplus property in accordance with Section 275.05, Florida Statute.

SECTION 5. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the

use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

SECTION 8. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 14TH DAY OF NOVEMBER 2007.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS
AT ITS REGULAR MEETING HELD ON THE 12TH DAY OF DECEMBER 2007


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR/CMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: Vice Mayor Watson
SECONDED BY: Councilman Campbell

VOTE: 6—0

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|-------------------------------|----------------|----------------------|
| Mayor Shirley Gibson | <u>x</u> (Yes) | ___ (No) |
| Vice Mayor Barbara Watson | <u>x</u> (Yes) | ___ (No) |
| Councilman Melvin L. Bratton | <u>x</u> (Yes) | ___ (No) |
| Councilman Oscar Braynon, II | ___ (Yes) | ___ (No) Not present |
| Councilman Aaron Campbell | <u>x</u> (Yes) | ___ (No) |
| Councilwoman Sharon Pritchett | <u>x</u> (Yes) | ___ (No) |
| Councilman André Williams | <u>x</u> (Yes) | ___ (No) |

City of Miami Gardens

1515-200 NW 167th Street
Miami Gardens, Florida 33169



Mayor Shirley Gibson
Vice Mayor Barbara Watson
Councilman Melvin L. Bratton
Councilman Aaron Campbell Jr.
Councilwoman Sharon Pritchett
Councilman Oscar Braynon II
Councilman André Williams

Agenda Cover Page

Date: December 12, 2007

Fiscal Impact: No ☐ **X** Yes

(If yes, explain in Staff Summary)

Funding Source:

Contract/P.O. Requirement: Yes No ☐

Sponsor Name/Department:

Danny Crew, City Manager

Public hearing **X**

Ordinance ☐ **X**

1st Reading ☐

Advertising requirement: Yes No

RFP/RFQ/Bid #

Quasi-Judicial ☐

Resolution

2nd Reading **X**

Title

An ordinance of the City Council of the City of Miami Gardens, Florida, providing for procedures for classifying property as surplus and for disposing of surplus property; providing for adoption of representations; repealing all ordinances in conflict; providing a severability clause; providing for inclusion in code; providing an effective date.

Staff Summary

The attached Ordinance is being proposed, in an effort to clarify the procedures for declaring City-owned property as Surplus and allowing for the subsequent disposition. While our Purchasing Ordinance No. 2005-10-48 makes mention of Surplus Property, it does not identify the process for declaring, or disposing of Surplus Property.

The proposed Ordinance allows the City Manager to dispose of Surplus Property in a manner consistent with Florida Statute, Section 274.05. It gives the City Manager to declare items with a value up to \$5,000 as being Surplus, but requires Council's authorization for items valued more than \$5,000 to be declared Surplus.

Recommendation:

We recommend that the City Council adopt the ordinance on second reading, establishing the procedures for classifying property as Surplus and for disposing of Surplus property.

J-1) ORD. 2ND
READING/ PUBLIC
HEARING
Surplus Property